

AB:MJB

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

COMPLAINT

- against -

Case No. 20-MJ-431

MICHAEL RODRIGUEZ,

(18 U.S.C. § 844(f)(1))

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

ERIC DORNBUSCH, being duly sworn, deposes and states that he is a Special Agent with the Bureau of Alcohol, Tobacco and Firearms, duly appointed according to law and acting as such.

On or about June 2, 2020, within the Eastern District of New York, the defendant MICHAEL RODRIGUEZ, did knowingly, intentionally and maliciously damage and destroy, and attempt to damage and destroy, by means of fire, a vehicle and other real and personal property in whole or in part owned or possessed by or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance, to wit: a New York City Police Department ("NYPD") vehicle parked in the vicinity of 259 Devoe Street, Brooklyn, New York.

(Title 18, United States Code, Section 844(f)(1))

The source of your deponent's information and the grounds for his belief are as follows:¹

1. Since December 2009, I have been a Special Agent with the Bureau of Alcohol, Tobacco and Firearms ("ATF") and have been involved in the investigation of numerous cases involving arson and the use of fire and explosives. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the investigative file, and from reports of other law enforcement officers involved in the investigation. Where I describe the statements of others, I am doing so only in substance and in part.

2. I have personally reviewed video surveillance footage that captures the vicinity of 259 Devoe Street, Brooklyn, New York taken on or about June 2, 2020. At approximately 04:30 a.m., the surveillance footage shows a single individual – later identified as the defendant – wearing a surgical mask and having curly hair approach a vehicle that was parked in front of 259 Devoe Street, Brooklyn, New York. After he poured an unknown liquid on the windshield and hood area of the vehicle, he then placed cardboard over the windshield and appeared to light the cardboard on fire using a lighter. The individual then placed what appeared to be rubbish under the passenger side of the vehicle and lit it on fire. The individual remained at the scene and pointed a cellular phone toward the vehicle and appeared to either record or take photographs of the fire. The individual

¹ Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest, I have not set forth every fact learned during the course of this investigation.

remained at the scene until the vehicle was fully engulfed in flames and then fled the scene on foot westbound on Devoe Street towards Judge Street.

3. The vehicle the defendant set on fire was an unmarked police vehicle owned by the NYPD that, on June 2, 2020, was assigned to a Captain within the NYPD. On June 1, 2020, when the Captain parked the car in front of 259 Devoe Street for the night, the Captain placed a placard on the dashboard of the vehicle that identified it as an NYPD law enforcement vehicle. The NYPD receives federal financial assistance.

4. The fire caused significant damage to the NYPD vehicle and, due to the spread of the fire that engulfed the NYPD vehicle, another vehicle that was parked near the police vehicle was also damaged.

5. A Fire Marshal within the Bureau of Fire Investigation responded to the scene on June 2, 2020 and conducted a physical examination. The Fire Marshal determined the cause of fire to be incendiary.

6. On Sunday, June 7, the NYPD published a photograph to the media seeking information regarding the identity of the individual who set the police vehicle on fire. The photograph was taken from surveillance video that captured the June 2, 2020 incident.

7. Based on information received in response to the media release, NYPD officers responded to a public area where the defendant, who is homeless, was known to sleep at night. A witness ("witness") at that location indicated, in sum and substance, that a male known as "Justin" had been sleeping at that location for approximately two weeks. The day after the media release, on Monday, June 8, 2020, "Justin" asked the witness whether the witness saw anything about him in the newspaper.

8. On June 10, 2020, NYPD law enforcement officers responded to the public area where the defendant was known to sleep. The defendant was not at that location, but the witness showed law enforcement the area where "Justin" usually slept.

9. On June 11, 2020, I, along with other law enforcement officers, responded to the public area where the defendant was known to sleep. The defendant was not at that location, but in the immediate area that the witness identified as where "Justin" usually slept, I found two lighters, a cell phone and a newspaper article about the June 2, 2020 arson of the NYPD vehicle.

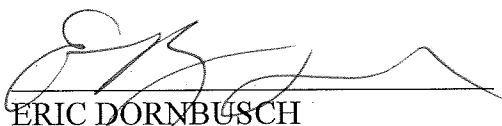
10. On June 11, 2020, I, along with other law enforcement officers located the defendant sleeping in a public area approximately three blocks away from where "Justin" was known to usually sleep. The defendant strongly resembles the individual from the video surveillance that set the NYPD vehicle on fire on June 2, 2020.

11. On June 11, 2020, a photograph of the defendant was taken and shown to the witness who confirmed that the individual in the photograph, the defendant, was the same individual known to the witness as "Justin."

12. When initially approached by law enforcement on June 11, 2020, the defendant responded to the name "Justin" but later admitted his name was Michael Rodriguez and provided his date of birth.

13. Based on the foregoing, I believe that MICHAEL RODRIGUEZ, knowingly, intentionally and maliciously damaged and destroyed, and attempted to damage and destroy, by means of fire, a vehicle and other real and personal property in whole or in part owned or possessed by or leased to, the United States, or any department or agency thereof, or any institution or organization receiving Federal financial assistance, in violation of 18 U.S.C. § 844(f)(1).

WHEREFORE, your deponent respectfully requests that the defendant MICHAEL RODRIGUEZ be dealt with according to law.



ERIC DORNBUSCH
Special Agent
Bureau of Alcohol, Tobacco and Firearms

Sworn to before me by telephone this
11th day of June, 2020

S/ Roanne L. Mann
THE HONORABLE ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK